

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
TANYA FEVOLA nee LANE,

Plaintiff,

-against-

SOUTHSIDE HOSPITAL,

Defendant.
-----X

APPEARANCES:

LAW OFFICE OF STEVEN A. MORELLI
BY: STEVEN A. MORELLI, ESQ.
Attorney for Plaintiff
One Old Country Road, Suite 347
Carle Place, New York 11514

EPSTEIN BECKER & GREEN, P.C.
BY: JOHN HOUSTON POPE, ESQ.
Attorneys for Defendant
250 Park Avenue
New York, New York 10177-1211

WEXLER, District Judge

Defendant in the above-captioned employment discrimination action moves for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. Upon consideration of the papers in support of and in opposition to the motion, this Court finds that genuine issues of material fact exist precluding the entry of summary judgment with respect to plaintiffs' claims. See Fed. R. Civ. P. 56(c) (a party seeking summary judgment must demonstrate that "there is no genuine issue of any material fact and that the moving party is entitled to a judgment as a matter of law."); Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986); Donohue v. Windsor Locks Bd. of

MEMORANDUM AND ORDER

CV 06-5048

(Wexler, J.)

Fire Comm'rs, 834 F.2d 54, 57 (2d Cir. 1987). Accordingly, Defendant's motion for summary judgment is denied. The denial of the motion is without prejudice to renewal at the close of Plaintiff's case. The Clerk of the Court is directed to terminate the motion.

SO ORDERED.

LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
May 1, 2008